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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,309	01/09/2004	Thomas Restis	451590	7492
27717	7590	03/26/2007		
SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE2400 CHICAGO, IL 60603-5803			EXAMINER BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3781	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/754,309		RESTIS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Shawn M. Braden		3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0326/2004</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Park (US Pub No2003/0209551).

3. With respect to claim 1, Park shows an outer peripheral frame (30) defining a central opening (10), a central member (11) discrete from the frame and disposed in the central opening, and support structure (area where elements 11 and 30 meet) connected to each of the frame and the central member for cooperation there with to seal the central opening (14 is a Silicone seal).

4. With respect to claim 2, Park shows the outer peripheral frame is circular in shape (fig.2).

5. With respect to claim 3, Park shows the central member is formed of a light-transmitting material (glass, paragraph 29).

6. With respect to claim 4, Park the central member is formed of transparent glass (paragraph 29)

7. With respect to claim 5, Park shows the support structure is annular in shape (fig.2).

8. With respect to claim 6, Park shows the support structure is channel-shaped in transverse cross section (fig. 1 on both sided of element 11).

9. With respect to claim 7, Park shows the support structure includes a support portion of the frame and a gasket (11) sealing a peripheral edge of the central member.

10. Claims 8-10,18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruss (USPN 5,653,881).

11. With respect to claim 8, Bruss shows a main body, a flange (40) depending from the main body, the flange having a plurality of vertically elongated apertures (46) therethrough grouped adjacent to a predetermined location on the main body, and indicia (27) on the main body at the predetermined location to indicate the location of the apertures.

12. With respect to claim 9, Bruss shows the plurality of apertures includes a horizontal row of apertures (fig.1).

13. With respect to claim 10, Bruss shows the flange (40) extends around the entire periphery of the main body (fig. 1)

14. With respect to claim 18, Bruss shows an open-top vessel (10) having an upstanding peripheral wall terminating at an upper edge, and a pour spout (30) formed

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on the peripheral wall at the upper edge; and a lid having a main body, a flange (40) depending from the main body, the flange having a plurality of vertically elongated apertures (45) therethrough grouped adjacent to a predetermined location on the main body, and indicia (27) on the main body at the predetermined location for indicating the location of the apertures, the lid being disposable on the upper edge of the vessel in a covering condition for closing the open top at the vessel with the flange (40) disposed within the upper edge of the peripheral wall (fig.1), the lid while in the covering condition being disposable in a first orientation (50 aligned with 30) with the apertures out of alignment with the pour spout and in a second orientation (45 aligned with 30) with the apertures aligned with the pour spout (30).

15. Claims 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Culig (USPN 6,129,234).

16. With respect to claim 13 Culig shows a main body having a peripheral rim, and pads (where element 2 contacts the lid's surface) formed of thermally insulating material disposed on the main body adjacent to the peripheral rim.

17. With respect to claim 14, Culig shows the pads are disposed at an upper surface of the main body (fig. 1).

18. With respect to claim 15, Culig shows the main body defines recesses (the recesses in element 22) in which the pads are respectively disposed (fig.4)

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19. With respect to claim 16, Culig shows the main body is circular in shape, the pads being disposed respectively at diametrically opposed locations on the main body (fig. 1).

20. With respect to claim 17, Culig shows each of the pads is substantially thicker than the rest of the main body (fig. 4).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11,19,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Bruss as applied to claims 8&18 above in view of Delaquis (USPN 5,730,045)

With respect to claim 11, Bruss discloses the invention substantially as claimed. However Bruss does not disclose a second plurality of elongated apertures therethrough disposed at an opposite side of the main body from the first plurality of apertures.

Delaquis teaches a second plurality (52) of elongated apertures therethrough disposed at an opposite side of the main body from the first plurality of apertures (50) in the same field of endeavor for the purpose of having two different sized apertures (fig.4).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second plurality of apertures as taught by Delaquis to the lid of Bruss in order to add the versatility of two different sized apertures.

22. With respect to claim 19, Bruss discloses the invention substantially as claimed. However Bruss does not disclose the vessel includes handles respectively extending laterally outwardly from the peripheral wall at opposite sides of the vessel.

Delaquis teaches the vessel includes handles respectively extending laterally outwardly from the peripheral wall at opposite sides of the vessel in the same field of endeavor for the purpose of added grip.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second handle to the container of Bruss as taught by Delaquis in order to improve the grip of the user.

23. With respect to claim 20 Bruss discloses the invention substantially as claimed. However Bruss does not disclose a second pour spout disposed at a diametrically opposed location from the first pour spout.

Delaquis teaches a second pour spout disposed at a diametrically opposed location from the first pour spout in the same field of endeavor for the purpose of added versatility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a second pour spout disposed at a diametrically opposed location from the first pour spout to the container of Bruss as taught by Delaquis in order to have two different pour spouts active at the same time.

24. Claims 12,22-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Bruss as applied to claims 8&18 above in view of Park (US Pub 2003/0209551)

Bruss discloses the invention substantially as claimed. However Bruss does not disclose the main body of the lid includes an outer peripheral frame defining a central opening, a central member discrete from the frame and disposed in the central opening, and support structure coupled to each of the frame and the central member for cooperation therewith to seal the central opening, or that the central member is glass, or that support structure is substantially channel-shaped in traverse cross section.

Park teaches an outer peripheral frame (30) defining a central opening (10), a central member (11) discrete from the frame and disposed in the central opening, and support structure (area where elements 11 and 30 meet) connected to each of the frame and the central member for cooperation there with to seal the central opening (14 is a Silicone seal), Park further teaches the central member is glass, and annular in shape, and the support structure is channel-shaped in transverse cross section (fig. 1 on both sided of element 11) (paragraph 29). in the same field of endeavor for the purpose of having a see through lid.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a see through window as taught by Park to the lid of Bruss in order to be able to see into the vessel while the lid is attached.

25. With respect to claim 12, Bruss discloses the claimed invention except for the limitation the apertures is oval in shape. It would have been an obvious matter of



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design choice to have oval apertures, since applicant has not disclosed that having oval apertures solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with round apertures.

***Conclusion***

26. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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